

AN ACT

relating to the powers of the Coastal Water Authority; affecting the authority to issue bonds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 601, Acts of the 60th Legislature, Regular Session, 1967, is amended by adding Section 3E to read as follows:

Sec. 3E. The Authority may participate in a wetland mitigation program under Chapter 221, Natural Resources Code.

SECTION 2. Section 4, Chapter 601, Acts of the 60th Legislature, Regular Session, 1967, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) The Authority shall have and is hereby authorized, subject to the provisions contained herein, to exercise the powers, rights, privileges, and functions of establishing, acquiring, and extending a park or park system and the Authority shall be authorized to improve and equip its park or park system in any manner considered by its board to be appropriate including the construction, purchase, lease, and other acquisition of such park facilities as shall be desirable in the full and adequate development of the park or park system and once established and improved the Authority shall be authorized from time to time to improve, repair, extend, operate, and maintain such park or park system and the park facilities and other improvements situated

1 thereon and relating thereto. 'Park facilities,' as used herein,  
2 means any and all improvements to, or equipment to be placed in, a  
3 park, which in the judgment of the board is or will be appropriate,  
4 necessary, or useful in the establishment and operation of a park or  
5 park system and which will be used or useful by the public in its  
6 enjoyment and use thereof, including without limitation, roads,  
7 paths, ornaments, public utilities and all types and all lines,  
8 systems, and facilities incident thereto, buildings of every type  
9 (including but not limited to those related to or useful in the  
10 accommodation, lodging, housing, and feeding of the members of the  
11 public who may frequent the park) and amusement equipment and  
12 facilities of all types. 'Park,' as used herein, means any area of  
13 land or interest therein which is now owned or may hereafter be  
14 acquired by the Authority and which is adjacent to the main or  
15 lateral canals of the Authority and which in the judgment of the  
16 board is or will be appropriate, necessary or useful as and which is  
17 or will be dedicated, used, and devoted by the board to use by the  
18 public as a playground or place of rest, resort, recreation,  
19 exercise, sport, pleasure, amusement, or enjoyment, or any area of  
20 land or interest in an area of land to be used primarily as open  
21 space or wetlands or for reforestation or other uses that reduce,  
22 offset, or capture greenhouse gases or other emissions, or provide  
23 mitigation of other environmental impacts, provided that the use of  
24 the area of land or interest in the area of land is in connection  
25 with or useful for an existing or planned Authority project or  
26 facility or for the protection, preservation, conservation, or  
27 restoration of the purity or sanitary condition of water or other

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1 natural resources in this state [~~in connection with the beneficial~~  
2 ~~use of the main or lateral canals to which it is adjacent~~]. 'Park  
3 system,' as used herein, means more than one park whether or not  
4 contiguous.

5       The Authority shall be authorized to acquire property of any  
6 kind, or any interest therein, necessary or convenient to the  
7 exercise of the powers, rights, privileges, and functions conferred  
8 pursuant to this Section 4(b); provided, however, that the  
9 authority shall not acquire such parks and/or park system by the  
10 exercise of eminent domain.

11       Each park and park system acquired or established under the  
12 provisions hereof shall be under and subject to the control and  
13 management of the board, and the board shall have the continuous  
14 general power to manage and operate the affairs of the same as it  
15 may consider appropriate, including without limitation the power to  
16 employ such personnel for management or policing purposes, or  
17 otherwise, to enter into such contracts and agreements extending  
18 over such periods of time, to provide for the sale, rental, or use  
19 of such products in the park or park system as shall be considered  
20 necessary to the full, complete, proper, and efficient development,  
21 administration, and operation of the park or park system.

22       The Authority shall have the express general power and  
23 authority to make, grant, accept, and enter into all leases, and all  
24 concession, rental, operating, or other contracts and agreements  
25 covering or relating to any part or all of the land comprising any  
26 park, park system, or park facilities, which the board shall deem  
27 necessary or convenient to carry out any of the purposes and powers

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1 granted hereby, upon such terms and conditions and for such length  
2 or period of time as may be prescribed herein. Any such contract,  
3 lease, or agreement may be entered into with any person, real or  
4 artificial, any corporation, municipal or private, any  
5 governmental agency or bureau, including the United States  
6 government and the State of Texas, agencies and political  
7 subdivisions thereof, and the board may make contracts, leases, and  
8 agreements with any such persons, corporation, or entities for the  
9 acquisition, financing, construction, or operation of any park,  
10 park system, or park facilities or other improvements in or  
11 connected with or incident to any park or park system.

12 Any and all such contracts, leases, and agreements, to be  
13 effective, shall be authorized by order or resolution of the board,  
14 shall be executed by its president and attested by its secretary, or  
15 it may be executed by such other person or persons as the board may  
16 direct, and the same shall be binding upon the Authority without  
17 reference to any other statute or statutes.

18 The board shall be expressly authorized to adopt and enforce  
19 such rules and regulations relating to the use, operation,  
20 management, administration, and policing of its park or park system  
21 and related waters controlled by it as it may consider appropriate,  
22 including, without limitation, the zoning or dividing of each park  
23 or park system into such zones or divisions as it may consider  
24 appropriate and in the interest of such park or park system as a  
25 whole, and it may restrict and prescribe the activities that may be  
26 conducted in each such zone or division.

27 The board shall be authorized to fix, impose, and collect

1 such fees, tolls, rents, rates, and charges for entry to, or use of,  
2 the park or park system and park facilities controlled by it as it  
3 may deem necessary, with other sources of funds available to it, to  
4 support the acquisition, maintenance, upkeep, repair, improvement,  
5 and operation of such park or park system.

6 The board is hereby authorized to accept grants, gratuities,  
7 advances, and loans in any form from any source approved by the  
8 board including the United States Government or any agency thereof,  
9 the State of Texas or any agency thereof, any private or public  
10 corporation, and any other person, for the purpose of promoting,  
11 establishing, and accomplishing the objectives and purposes and  
12 powers herein set forth, and to make and enter into such  
13 concessions, agreements, and covenants as the board considers  
14 appropriate in connection therewith.

15 (b-1) The Authority may contract with a private or public  
16 entity to purchase, sell, or trade credits, offsets, tax credits,  
17 or other similar marketable instruments authorized by state or  
18 federal law and available to the Authority that are attributable to  
19 a wetland mitigation or other environmental mitigation project or  
20 activity of the Authority. The Authority may issue bonds or notes  
21 secured by a pledge of any stream of revenue received from such  
22 projects, activities, or transactions for any authorized purpose of  
23 the Authority. The Authority may contract with any other  
24 governmental entity to issue bonds or notes secured by revenue of  
25 the governmental entity attributable to any wetland mitigation or  
26 other environmental mitigation project, activity, or transaction.  
27 The proceeds of the bonds or notes may be used to fund any

1 authorized purpose of the Authority or any joint project with the  
2 participating governmental entity.

3       SECTION 3. (a) The legal notice of the intention to  
4 introduce this Act, setting forth the general substance of this  
5 Act, has been published as provided by law, and the notice and a  
6 copy of this Act have been furnished to all persons, agencies,  
7 officials, or entities to which they are required to be furnished  
8 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
9 Government Code.

10       (b) The governor, one of the required recipients, has  
11 submitted the notice and Act to the Texas Commission on  
12 Environmental Quality.

13       (c) The Texas Commission on Environmental Quality has filed  
14 its recommendations relating to this Act with the governor, the  
15 lieutenant governor, and the speaker of the house of  
16 representatives within the required time.

17       (d) All requirements of the constitution and laws of this  
18 state and the rules and procedures of the legislature with respect  
19 to the notice, introduction, and passage of this Act are fulfilled  
20 and accomplished.

21       SECTION 4. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect September 1, 2011.

H. Res.  
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David Dewhurst  
President of the Senate

Joe Straus  
Speaker of the House

I hereby certify that S.B. No. 1920 passed the Senate on May 19, 2011, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 27, 2011, by the following vote: Yeas 31, Nays 0.

Latoya Spaw  
Secretary of the Senate

I hereby certify that S.B. No. 1920 passed the House, with amendment, on May 25, 2011, by the following vote: Yeas 147, Nays 0, one present not voting.

Robert Hanery  
Chief Clerk of the House

Approved:

17 JUN '11

Date

Rick Perry  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
4 PM O'CLOCK

JUN 17 2011

Debra R. Ralston  
Secretary of State